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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/876,111
Filing Date: June 08, 2001
Appellant(s): GREEN ET AL.

Lisa M. Schoedel
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/6/2008 appealing from the Office action mailed 1/8/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

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The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,295,502

Hancock et al.

9-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-27, 29-36, and 38-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Hancock et al. (US 6,295,502 B1).

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In regard to claims 21 and 35, Hancock disclosed:

assigning a unique location code to each of a plurality of points of interest, wherein each location code is comprised of a plurality of sub-strings of numbers, wherein each sub-string represents specific attributes of a represented point of interest, column 6, lines 20-22

wherein a first of said sub-strings of which a location code is comprised indicates one of a plurality of geographic areas, column 6, lines 20-44

wherein a second of said sub-strings of which a location code is comprised indicates one of a plurality of categories, column 6, lines 20-44, columns 7-8

wherein a third of said sub-strings of which a location code is comprised indicates one of a plurality of sub-categories of one of said plurality of categories, column 6, lines 20-44, columns 7-8

wherein a fourth of said sub-strings of which a location code is comprised uniquely indicates a point of interest of a type corresponding to one of the plurality of sub-categories of one of the plurality of categories located in one of the plurality of geographic areas; column 6, lines 20-44, columns 7-8

entering a single location code into a device connected to a network, column 20, lines 7-15 wherein the step of entering further comprises:

entering in sequence a number code corresponding to each of the sub-strings of which the location code is comprised, and column 10, lines 24-38, column 11, lines 9-37, columns 17-18

entering a delineating character following entry of the number code corresponding to each of said sub-strings; column 17, line 2

receiving the location code at a locator server connected to the network; and

using a locator database associated with the location server to retrieve information about the point of interest associated with the location code entered into the device. Column 17, line 56 – column 18, line 7

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In regard to claim 22, Hancock disclosed:

the geographic areas indicated by the first of said sub-strings of which a location code is comprised include major urban areas. Column 12, lines 63-67

In regard to claim 23, Hancock disclosed:

the geographic areas indicated by the first of said sub-strings of which a location code is comprised include travel destinations worldwide. Column 12, lines 50-55

In regard to claim 24, Hancock disclosed:

routing the information retrieved about the point of interest back to the device that entered the location code along a communication channel, wherein the communication channel is selected depending on the type of the device. Column 33, lines 50-64

In regard to claim 25, Hancock disclosed:

the location code entered into the device is printed on a paper map and a user reads the paper map prior to entering the location code into the device. Column 17, line 45

In regard to claim 26, Hancock disclosed:

at least one of the location codes includes a fifth sub-string, wherein the fifth sub-string indicates a specific travel club approval. Column 29, lines 28-53

In regard to claim 27, Hancock disclosed:

at least one of the location codes includes a fifth sub-string, wherein the fifth sub-string indicates acceptance of a particular form of payment. Column 29, line 32

In regard to claim 29, Hancock disclosed:

the points of interest include restaurants, hotels, museums, theaters, retail stores, businesses, parks, ATMs, public telephones, bus stops and monuments. Column 29, lines 20-27

The limitations of claim 30 are found in their entirety within the limitations of claim 21.

The limitations of claim 31 are substantially the same as the limitations of claim 26.

In regard to claim 32, Hancock disclosed:

said sub-strings are scalable. Column 21 illustrates the data structures for the strings.

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In regard to claim 33, Hancock disclosed:

each of said sub-strings is not limited as to the number of digits. Column 21 illustrates the data structures for the strings.

In regard to claim 34, Hancock disclosed:

a locator database that associates each location code of a plurality of location codes with a corresponding point of interest; column 28, lines 53-61

a locator server associated with the locator database and from which the locator database is accessible. Column 28, lines 53-61

The limitations of claim 35 are substantially the same as the limitations of claim 21.

The limitations of claim 36 are found within the limitations of claim 21.

The limitations of claim 38 are substantially the same as the limitations of claim 21.

The limitations of claim 39 are found within the limitations of claim 21.

The limitations of claim 40 are found within the limitations of claim 21.

The limitations of claim 41 are substantially the same as the limitations of claim 21.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hancock in view of Official Notice.

Hancock disclosed a "grid designator" for a specific location on a map consisting of sets of numbers separated by a period. Hancock failed to disclose the use of an asterisk. However, it would be obvious to one of ordinary skill in the art to use any symbol other than an alphanumeric character in the grid designations shown in column 16, line 14 (as an example) to separate the alphanumeric characters in the character string in order to allow a computer program to adequately parse the grid string into the

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correct substrings. Hancock illustrates the necessity of this function in column 21, lines 29-50, which specifically states that information is parsed from a character string. One of ordinary skill in the art is well aware that some uniform delimiting character must be present throughout a character string in order to parse a variable length string without concatenating the data within.

(10) Response to Argument

Appellant argues that Hancock failed to disclose categories, sub-categories, or points of interest of a type corresponding to a sub-category of a category. See the first example in Figure 10A. The code in question is US.CA.NWB.MAC2, 117W52.360, 33N39.549, MCDONALDS #2. Here, US is a geographic area, CA is a state within that geographic area - one of a plurality of categories, NWB is a sub-category of CA, MCDONALDS is a point of interest of a type corresponding to one of the plurality of sub-categories of one of the plurality of categories located in one of the plurality of geographic areas. Here, a MCDONALDS is located in the NWB section of California, in the United States. Column 13, line 11 is another example, using US.GA.ALB.MACD* where a McDonalds is located in Albany, Georgia, US. The McDonalds is the point of interest fitting the type in question - places within Albany GA.

Appellant argues that Hancock failed to disclose one of a plurality of categories or one of a plurality of sub-categories. See the first example in Figure 10A. The code in question is US.CA.NWB.MAC2, 117W52.360, 33N39.549, MCDONALDS #2. Here, US is a geographic area, CA is a state within that geographic area - one of a plurality of categories, NWB is a sub-category of CA, MCDONALDS is a point of interest of a type corresponding to one of the plurality of sub-categories of one of the plurality of categories located in one of the plurality of geographic areas. Here, a MCDONALDS is located in the NWB section of California, in the United States. Column 13, line 11 is another example, using US.GA.ALB.MACD* where a McDonalds is located in Albany, Georgia, US. The McDonalds is the point of interest fitting the type in question - places within Albany GA.

Appellant argues that Hancock failed to disclose using category and sub-category strings in a location code. See the first example in Figure 10A. The code in question is US.CA.NWB.MAC2, 117W52.360, 33N39.549, MCDONALDS #2. Here, US is a geographic area, CA is a state within that

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geographic area - one of a plurality of categories, NWB is a sub-category of CA, MCDONALDS is a point of interest of a type corresponding to one of the plurality of sub-categories of one of the plurality of categories located in one of the plurality of geographic areas. Here, a MCDONALDS is located in the NWB section of California, in the United States. Column 13, line 11 is another example, using US.GA.ALB.MACD* where a McDonalds is located in Albany, Georgia, US. The McDonalds is the point of interest fitting the type in question - places within Albany GA. Appellant did not narrow down the definition of categories and sub-categories, and they have been treated with the broadest reasonable interpretation as per MPEP 2111.

Appellant argues that Hancock required users to browse through layers of categories, while Appellant's invention provided a single location code. See Figures 8-10 of Hancock for several pages of examples of a single location code provided by Hancock.

Appellant argues that Hancock failed to disclose a location code that includes a fifth sub-string that indicates a specific travel club approval. At no time during prosecution did Appellant raise this argument. Column 29, lines 19-26 gives a list of location codes that are monitored by Hancock. In this is "directory assistance", which can be considered a travel club approval since travel clubs routinely provide members with a directory of their member locations.

Appellant argues that Hancock failed to disclose a location code that includes a fifth sub-string that includes acceptance of a particular form of payment. Hancock, column 29, lines 31-33 show that the system tracks a sub-category in which restaurants "that accept a particular type of credit card" are returned. This is the equivalent of Appellant's location code including a fifth sub-string that includes acceptance of a particular form of payment. At no time during prosecution did Appellant raise this argument.

Appellant made no argument that the use of an asterisk was not obvious to Hancock.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Jeffrey R. Swearingen

/J. R. S./

Examiner, Art Unit 2145

Conferees:

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